



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 29, 1998

Ms. Christine Mirbagheri
Assistant City Attorney
Criminal Law & Police Division
City of Dallas, Municipal Building
2014 Main Street, Rm. 206
Dallas, Texas 75201

OR98-2543

Dear Ms. Mirbagheri:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119291.

The Dallas Police Department (the "department") received a request for copies of the photographs contained in Photo File Number 98-140. You contend that the requested photographs are excepted from disclosure under section 552.119 of the Government Code. We have considered the exception you claim and have reviewed a representative sample of the photographs at issue.¹

The individuals depicted in the requested photographs include peace officers. With certain exceptions, section 552.119(a) protects from disclosure "a photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure." You state that the exceptions to section 552.119(a) do not apply in this case. A photograph exempt from disclosure under section 552.119(a) may be released only if the peace officer consents to the disclosure in writing. Gov't Code § 552.119(b). Thus, the department must withhold the requested photographs from disclosure unless the peace officers give their written consent for release. You state that "[a]nother file has been created with photographs that do not

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

depict pictures of peace officers." The department should release these "redacted" photographs to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Karen Hattaway", written in a cursive style.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 119291

Enclosures: Submitted photographs

cc: Ms. Misty Keown
701 Commerce Street, Suite 640
Dallas, Texas 75202
(w/o enclosures)